

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERTO NAVA,

Defendant.

8:21-CR-265

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court upon the Government's Motion for Preliminary Order of Forfeiture. [Filing 67](#). The Court has carefully reviewed the record in this case and finds as follows:

1. On April 5, 2023, the Court held a hearing where defendant Roberto Nava entered a plea of guilty to Count I and admitted to the Forfeiture Allegation of the Indictment. [Filing 60](#) (Text Minute Entry). Count I charged the defendant with conspiracy to distribute and possess with intent to distribute methamphetamine, in violation of [21 U.S.C. §§ 846](#) and [841\(a\)\(1\)](#) and [\(b\)\(1\)](#). [Filing 15 at 1](#).
2. The Forfeiture Allegation sought forfeiture, pursuant to [21 U.S.C. § 853](#), of \$42,000.00 in United States currency seized from 610 N. 13th St, Norfolk, Nebraska, on or about September 23, 2021. [Filing 15 at 3–4](#). The currency was seized because it was either used to facilitate the offenses charged in the Indictment or was derived from proceeds obtained from the commission of the offenses charged in the Indictment.
3. Based on defendant's guilty plea and admission, defendant forfeits his interest in the \$42,000.00 in United States currency and the government should be entitled to possession of the currency pursuant to [21 U.S.C. § 853](#).

4. The Government's Motion for Preliminary Order of Forfeiture should be granted. Accordingly,

IT IS ORDERED:

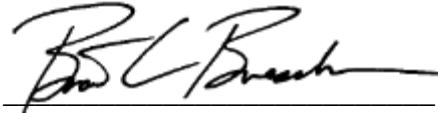
1. The government's Motion for Preliminary Order of Forfeiture, Filing 95, is granted.
2. Based upon the Forfeiture Allegation of the Indictment and Defendant's guilty plea and admission, the Government is hereby authorized to seize the \$42,000.00 in United States currency.
3. Defendant's interest in the \$42,000.00 in United States currency is hereby forfeited to the Government for disposition in accordance with the law, subject to the provisions of [21 U.S.C. § 853\(n\)\(1\)](#).
4. The \$42,000.00 in United States currency is to be held by the Government in its secure custody and control.
5. Pursuant to [21 U.S.C. § 853\(n\)\(1\)](#), the government shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture, notice of publication evidencing the government's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than defendant, having or claiming a legal interest in any of the subject property must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. The published notice shall state the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the \$42,000.00 in United States currency, shall be signed by the Petitioner under

penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title, or interest in the currency and any additional facts supporting the Petitioner's claim and the relief sought.

7. The Government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the \$42,000.00 in United States currency as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to [21 U.S.C. § 853\(n\)](#), in which all interests will be addressed.

Dated this 12th day of April, 2023.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Brian C. Buescher', written over a horizontal line.

Brian C. Buescher
United States District Judge